

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTHONY DEWAYNE BAILEY,

Plaintiff,

v.

DOUGLAS HERNDON, et al,

Defendants.

Case No. 2:16-cv-02595-JAD-CWH

ORDER

Plaintiff Anthony Dewayne Bailey, who is a prisoner in the custody of High Desert State Prison in Indian Springs, Nevada, submitted a civil rights complaint under 42 U.S.C. § 1983 on November 8, 2016. (ECF No. 1-1). Plaintiff did not pay the full filing fee for this case or file an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. The court will retain Plaintiff's complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to file an application to proceed *in forma pauperis*, or in the alternative, to pay the full filing fee for this action.

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1 IT IS THEREFORE ORDERED that the Clerk of the Court must send Plaintiff the approved
2 form application to proceed *in forma pauperis* by a prisoner, as well as the information and
3 instructions for filing an *in forma pauperis* application.

4 IT IS FURTHER ORDERED that within thirty days from the date of this order, Plaintiff must
5 either: (1) file a complete application to proceed *in forma pauperis*, on the correct form with
6 complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee
7 for a civil action (which includes the \$350 filing fee and the \$50 administrative fee). Plaintiff is
8 advised that failure to comply with this order will result in a recommendation that his case be
9 dismissed.

10 IT IS FURTHER ORDERED that the Clerk of the Court must retain the complaint (ECF No.
11 1-1), but must not file it at this time.

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13 DATED: November 15, 2016.

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16 C.W. Hoffman, Jr.
17 United States Magistrate Judge
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